

RELEASED IN PART UNCLASSIFIED

ACTION AID-00

B1, 1.4(D)

INFO	LOG-00	NP-00	CIAE-00	INL-00	DODE-00	WHA-00	DS-00
	EB-00	EUR-00	VC-00	H-00	TEDE-00	INR-00	LAB-01
	L-00	VCE-00	AC-00	NSAE-00	NIMA-00	PA-00	GIWI-00
	ACE-00	FMPC-00	SP-00	ECA-00	DSCC-00	PRM-00	DRL-00
	NFAT-00	SAS-00	/001W				

-----551AB6 242105Z /38

P 242019Z AUG 04

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC PRIORITY 7486

INFO AMEMBASSY BOGOTA PRIORITY

AMEMBASSY BRASILIA PRIORITY

AMEMBASSY BUENOS AIRES PRIORITY

AMEMBASSY LA PAZ PRIORITY

AMEMBASSY LIMA PRIORITY

AMEMBASSY LISBON PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY MEXICO PRIORITY

AMEMBASSY QUITO PRIORITY

AMEMBASSY SANTIAGO PRIORITY

USINT HAVANA PRIORITY

NSC WASHDC PRIORITY

HQ USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L CARACAS 002702

NSC FOR CBARTON

HQ USSOUTHCOM ALSO FOR POLAD

USAID DCHA/OTI FOR RPORTER

E.O. 12958: DECL: 05/25/2014

TAGS: PHUM, PGOV, KJUS, VE

SUBJECT: VENEZUELAN MAYOR CARPRILES (STILL) HELD FOR TRIAL

Classified By: A/DCM ABELARDO A. ARIAS FOR REASONS 1.4 (d)

SUMMARY

1. (U) A Caracas judge ruled August 18 that Baruta Mayor Henrique Capriles should stand trial for the events at the Cuban Embassy on April 12, 2002. The judge also ruled that Capriles should remain in jail. PolOff attempted to attend the Capriles trial August 17, but was denied entry as was the rest of the public on the grounds that this was a pre-trial hearing. Capriles' lawyers accused the police of attempting to intimidate everyone involved in the trial. The GOV knows

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: APPEALS REVIEW PANEL
 CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
 DECLASSIFY AFTER: 23 AUG 2029
 APPEAL ACTION: ORIGINAL DECISION UPHELD
 REASON(S): B1, 1.4(D)
 DATE/CASE ID: 21 SEP 2007 200404750

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: MELVIN E SINN
 DATE/CASE ID: 30 JUN 2005 200404750

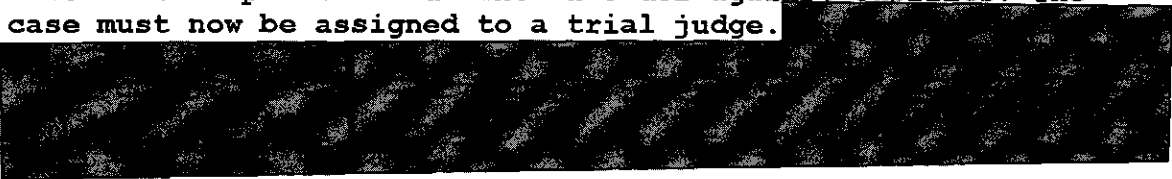
UNCLASSIFIED

UNCLASSIFIED

the USG is concerned by the Capriles case; the GOV needs to get similar messages from other governments and human rights NGOs. End Summary.

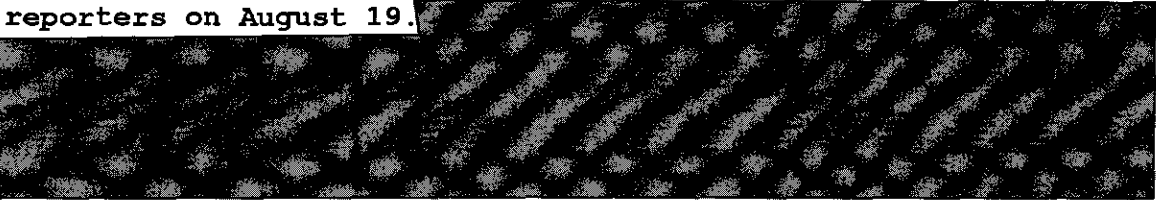
Capriles to Trial

2. (C) Eighth Control Court Judge Juan Ramon Leon Villanueva ruled on August 18 that Baruta Mayor Henrique Capriles should stand trial for the crimes he is accused of in relation to the events at the Cuban Embassy on April 12, 2002. Judge Leon also left in place the detention order against Capriles. The case must now be assigned to a trial judge.




Judicial Plotting

3. (C) Capriles' defense lawyer, Juan Martin Echevarria accused Judge Leon of suspending the session August 17 so he could consult on the decision with Caracas Judicial Circuit President Judge Nelson Chacon, Judge Maikel Moreno, and Judge Orangel Garcia. Judge Chacon denied these charges to reporters on August 19.



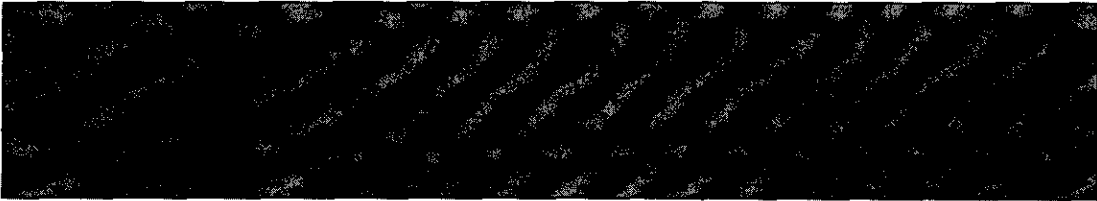
PolOff Visits Court

4. (C) PolOff attempted to attend the Capriles trial on August 17. The judicial officials who were controlling admission to the Control Courts informed PolOff that pre-trial hearings are always closed to the public. PolOff was allowed access to the corridor where the courts are located. Six DISIP agents, two of whom carried M-16 rifles, escorted Capriles to the courtroom.  told PolOff it was only the second time that the agents had been so heavily armed. He said it was not normal for prisoners to be taken to court by armed police, and that the display was designed to intimidate everyone involved in

UNCLASSIFIED

UNCLASSIFIED

the case. Capriles appeared healthy, and was not handcuffed. The leadership of the Primero Justicia political party waited in the hall for several hours for the hearing to end, along with lawyers, family and friends.



Comment



McFarland

NNNN

UNCLASSIFIED